

RESOLUTION OF ACCEPTANCE NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ACCEPTING EASEMENTS AT 208, 210, AND 212 WEST HALEY STREET, ACCEPTING A QUITCLAIM INTEREST IN AN ADJACENT PORTION OF MISSION CREEK, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, SUBJECT TO REVIEW AND APPROVAL BY THE CITY ATTORNEY, TO APPROVE AN EASEMENT PURCHASE AGREEMENT AND RELATED DOCUMENTS.

WHEREAS, a proposed project is currently undergoing final design and environmental review for the City of Santa Barbara (City) to replace the existing bridge for Haley Street and De La Vina Street at Mission Creek, due to its age, increasingly deteriorated condition and limited flood control capacity, with anticipated reimbursement of the City's associated project costs using funds provided by the United States Department of Transportation, Federal Highway Administration (FHWA), as administered by the State of California, Department of Transportation (Caltrans);

WHEREAS, the bridge replacement project requires the purchase by the City of certain permanent and temporary easements on the real property commonly known as 208, 210, and 212 West Haley Street, Santa Barbara County Assessor's Parcel APN 037-161-014, owned by Maria E. Solis, also known as Maria Elena Solis, along with the quitclaim of any interest in an adjacent portion of Mission Creek by Maria E. Solis, also known as Maria Elena Solis, due to the proximity of the real property to the existing bridge and the proposed new bridge, for consideration in the amount of \$36,000.00, plus related escrow closing costs;

WHEREAS, as authorized by FHWA and Caltrans, the permanent and temporary easements on the real property at 208, 210, and 212 West Haley Street have been appraised by an independent fee appraiser, and in accordance with applicable laws and guidelines, subject to final approval by the Council of the City of Santa Barbara, a written offer and a required appraisal summary, agreement and deeds have been delivered to the owner;

WHEREAS, the written purchase offer has been accepted by the owner and the agreement and deeds have been signed voluntarily to allow the City to purchase the permanent and temporary easements, subject to final approval by the Council of the City of Santa Barbara;

WHEREAS, this Resolution will provide authorization by the Council of the City of Santa Barbara for the Public Works Director to execute the Easement Purchase Agreement with Maria E. Solis, also known as Maria Elena Solis, subject to approval as to form by the City Attorney;

WHEREAS, this Resolution will also provide authorization by the Council of the City of Santa Barbara for the Public Works Director to subsequently execute any other documents that may be necessary to accomplish such purchase by the City of the permanent and temporary easements, subject to approval as to form of such documents by the City Attorney, which may include among others, but not be limited to, sale escrow instructions; and

WHEREAS, this Resolution will demonstrate intent by the Council of the City of Santa Barbara to accept the permanent and temporary easements on the real property located at 208, 210, and 212 West Haley Street, as more particularly described in the Mission Creek Exclusive Easement Deed delivered for such purpose by Maria E. Solis, also known as Maria Elena Solis, along with the quitclaim of any interest in an adjacent portion of Mission Creek by Maria E. Solis, also known as Maria Elena Solis, as described in such Easement Purchase Agreement, without further action or subsequent resolution to accept the easements and quitclaim.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The Public Works Director is hereby authorized by the Council of the City of Santa Barbara to execute the Easement Purchase Agreement with Maria E. Solis, also known as Maria Elena Solis, to accomplish the purchase by the City of the permanent and temporary easements on the real property commonly known as 208, 210, and 212 West Haley Street, Santa Barbara County Assessor's Parcel APN 037-161-014, for consideration in the amount of \$36,000.00, plus related escrow closing costs.

SECTION 2. The City of Santa Barbara hereby accepts the easements on the real property at 208, 210, and 212 West Haley Street, as more particularly described in the Mission Creek Exclusive Easement Deed by Maria E. Solis, also known as Maria Elena Solis, an unmarried woman, to the City of Santa Barbara, executed on August 13, 2008, and hereby accepts the quitclaim of any interest in the adjacent portion of Mission Creek, as more particularly described in the Mission Creek Quitclaim Deed by Maria E. Solis, also known as Maria Elena Solis, an unmarried woman, to the City of Santa Barbara, executed on August 13, 2008, and as described in such Easement Purchase Agreement, all of which have been executed and delivered hereunder.

SECTION 3. The City of Santa Barbara hereby consents to the recordation of each the Mission Creek Exclusive Easement Deed and the Mission Creek Quitclaim Deed by Maria E. Solis, also known as Maria Elena Solis, in the Official Records, County of Santa Barbara.